MINUTES OF THE MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art February 3, 2020

1. ROLL CALL

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Vicki Criswell, at 10:30 a.m., in Lower Level Room B, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

Members Present (8):

The following members called in and answered roll call:

Bridget Anderson, Vice-Chair Vicki Criswell, Chair Melanie Judkins, Member Jacqueline Hornig, Member Marie Nordboe, Member Becky Pettigrew, Member Brandy Phillips, Member Pam Rowland, Secretary

Members Absent (3):

Ronald Banse, Member Shannon Bingham, Member Ruth Lucas, Member

Others Present:

Carla Cue, Investigations
Mark Meyerson, Investigations
Trevor Klaassen, Investigations
Kris Chiles, Program Manager, Licensure Unit
Heidi Weiand, Health Licensing Specialist, Licensure Unit
Anna Harrison, Compliance Monitor, Licensure Unit
Natalee Hart, Assistant Attorney General
Ami Huff, Assistant Attorney General

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

<u>MOTION:</u> Pettigrew moved, seconded by Anderson, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Criswell, Hornig, Judkins, Nordboe, Pettigrew, Phillips, Rowland (8). Voting nay: None (0). Absent: Banse, Bingham, Lucas (3) Vacant positions (2). Motion carried.

3. Approval of Minutes (12.2.2019 and 1.6.2020)

MOTION: Anderson moved, seconded by Rowland, to approve the minutes of 12.2.19. A voice vote was taken. Voting aye: Anderson, Criswell, Judkins, Nordboe, Pettigrew, Phillips, Rowland, (7). Voting abstain: Hornig (1). Voting nay: None (0). Absent: Banse, Bingham Lucas (3). Vacant positions (2). Motion carried.

<u>MOTION:</u> Anderson moved, seconded by Rowland, to approve the minutes of 1.6.20. A voice vote was taken. Voting aye: Anderson, Criswell, Hornig, Judkins, Nordboe, Phillips, Rowland (7). Voting abstain: Pettigrew (1). Voting nay: None (0). Absent: Banse, Bingham, Lucas (3). Vacant positions (2). Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS - CLOSED SESSION

MOTION: Pettigrew moved, seconded by Anderson, to enter into closed session at 10:35 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Criswell repeated the motion and purpose. A roll call vote was taken. Voting aye: Anderson, Criswell, Judkins, Hornig, Nordboe, Pettigrew, Phillips, Rowland (8). Voting nay: None (0). Absent: Banse, Bingham, Lucas (3). Vacant positions (2). Motion carried.

11:08 a.m. - Cue, Meyerson, and Klaassen departed the meeting

Criswell declared to return to open session at 11:29 a.m. A roll call vote was taken. Voting aye: Anderson, Criswell, Judkins, Hornig, Nordboe, Pettigrew, Phillips, Rowland (8). Voting nay: None (0). Absent: Banse, Bingham, Lucas (3). Vacant positions (2). Motion carried.11:29 a.m.

11:30 a.m. – Break 11:46 a.m. – Return to open session

5. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT - OPEN SESSION

Application Reviews:

Martha Escamilla, Cosmetology Reinstatement Applicant - convictions

<u>MOTION:</u> Pettigrew moved, seconded by Rowland, to recommend a 6-month probation, successfully pass the cosmetology jurisprudence examination within the first 90 days of issuance, and the standard probationary terms and conditions. A roll call vote was taken. Voting aye: Anderson, Criswell, Judkins, Hornig, Nordboe, Pettigrew, Phillips, Rowland (8). Voting nay: None (0). Absent: Banse, Bingham, Lucas (3). Vacant positions (2). Motion carried.

Kerri Ross-Walther, Cosmetology Reinstatement Applicant - convictions

<u>MOTION:</u> Judkins moved, seconded by Rowland to recommend a 6-month probation, successfully pass the cosmetology jurisprudence examination within the first 90 days of issuance, and the standard probationary terms and conditions. A roll call vote was taken. Voting aye: Anderson, Criswell, Judkins, Hornig, Nordboe, Pettigrew, Phillips, Rowland (8). Voting nay: None (0). Absent: Banse, Bingham, Lucas (3). Vacant positions (2). Motion carried.

Electric Ink Society, Body Art Facility - Initial Application

<u>MOTION:</u> Anderson moved, seconded by Roland, to recommend issuance of the license with no terms and conditions. A roll call vote was taken. Voting aye: Anderson, Criswell, Judkins, Hornig, Nordboe, Pettigrew, Phillips, Rowland (8). Voting nay: None (0). Absent: Banse, Bingham, Lucas (3). Vacant positions (2). Motion carried.

Reinstatement After Discipline Review:

Jabree Williams, Body Art Reinstatement after Suspension

<u>MOTION:</u> Judkins moved, seconded by Rowland, to recommend a 3 year probation, standard probationary terms and conditions, random alcohol and drug screens, abstain from alcohol and drugs, follow recommendations of evaluation and any future recommendations. Basis: Order on Agreed Settlement and Diagnosis. A roll call vote was taken. Voting aye: Anderson, Criswell, Judkins, Hornig, Nordboe, Pettigrew, Phillips, Rowland (8). Voting nay: None (0). Absent: Banse, Bingham, Lucas (3). Vacant positions (2). Motion carried.

6. UPDATES/REPORTS/STATISTICS

a. 2019 and 2020 Legislative Bills

LB607: Rowland presented information regarding LB607. This bill should be introduced on 2.5.2020, it will be televised on NET if not able to attend, she recommends members continue sending emails to the senators to vote for this bill, some changes affect manicuring/pedicuring, body art and removal of the requirement that the exam given in English only.

LB755: Home Service Permits. Relates to home service permit for cosmetology and barbering services; introduced by Senator Blood. It will benefit mentally disabled individuals or someone who cares for a mentally disabled individual to allow establishments with a home service permit to provide services in their home.

LB 1131: Introduced by Senator Groen. Based on law changes with the US Department of Education. The bill proposes to remove the wording "regionally accredited", because as of July 2020, the Department will no longer be identifying programs as 'regionally accredited'.

LB 1187: Introduced by Senator Le Grone, This bill effects occupational licensing by creating 3 ways for reciprocity:

- 1) An individual who holds a license or certificate in another state, has at least 1 year of experience, pass the examination or similar education, training or experience standards
- 2) An individual has at least 3 years of experience in a state that does not require licensure but must have similar scope of practice
- 3) An individual who holds a private certification and has work experience for an occupation in a state that does not use an occupational license, must have similar scope of practice, has at least 2 years of experience in this occupation

LB 1167: Introduced by Senator Albrecht. Relates to the Open Meetings Law and allows public members the right to attend and speak at meetings of public bodies.

LB 1060: Introduced by Senator Cavanaugh. Pettigrew stated the proposal relates to the Nebraska Fair Employment Practice Act, Definition of race including details about hair texture, hair styles such as braids.

12:10 p.m. - Introductions from the new Assistant Attorney General – Natalee Hart 12:15 p.m. - Lunch Break

b. Profession Updates:

Body Art

Judkins reported:

- 1) Tattoo convention held 2.15.20 2.17.20 in Council Bluffs seminar on 2.15.20 offered for human trafficking; Tattoo Convention in October 2020 in Omaha.
- Women's Center for Advancement WCA is having discussions regarding training on human trafficking, and possibly creating video for training and possible grants for this training

Cosmetology

Nordboe reported the school in Fremont closed.

Chiles states Regulations 34, 36-37 were forwarded to the Attorney General's office for review, next steps after approval is the Governor and Secretary of State.

Esthetics

Criswell stated with this was the renewal year, she is getting many questions regarding CE's, advised there is a Facebook page started by a cosmetology student to get information regarding CE's, Hornig has classes available in the next few months if anyone needs additional CE's, and convention details on this Facebook page.

Nail Technology

Pettigrew reported that 'Shellac' is offering a CE course June 8th and July 1st 2020

Indoor Tanning Facilities

Pettigrew reported there are a lot of questions regarding CBD tan lotions; we abide by the attorney general's recommendations.

- c. National-Interstate Council of State Boards of Cosmetology http://www.nictesting.org Nordboe stated the 2020 Midyear Event is scheduled for 4.24.20 reception, 4.25.20 full day and 4.26.20 ½ day, She has full details of this convention and itinerary.
- d. Statistics: Disciplinary and Non-Disciplinary Actions, Examinations, Licensing Numbers, and Administrative Penalties - Chiles distributed reports, see below data

Chiles reported that the public hearing comments relating to Chapter 44, 45, 46 (body art) regulations have been sent to legal for review; when approved they are sent to Board of Health. Chiles will provide updates.

Chiles distributed reports for the period of January 1, 2020 to February 2, 2020. Note: Examination results represent the number of pass and failed examination attempts (not the number of applicants taking the examination).

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Examination results:

Examination results:	#Pass	#Fail	No show
Cosmetology	10	4	
Esthetics	11	3	
Cosmetology Instructor			
Esthetic Instructor			
Cosmetology/Esthetic Jurisprudence (probation)			
Cosmetology/Esthetic Jurisprudence (ORDER)			
Cosmetology/Esthetic Jurisprudence (CE)		1	
Nail Technology	5	3	
Nail Technology Instructor			
Nail Technology Jurisprudence (probation)			
Electrology			
Electrology Instructor			
Body Art Jurisprudence (probation)			

Body Art Active licenses:

Body Art Facility	210
Body Brander	1
Body Piercer	109
Permanent Color Technician	168
Tattoo Artist	364

Nail Technology Active licenses:

Nail Technician	1160
Nail Technology Instructor	13
Nail Technology Salon	189
Nail Technology Mobile Salon	1
Nail Technology Consideration Certificate	2
Nail Technology School	5
Temporary Nail Technician	2

Cosmetology and Esthetic Active licenses:

Apprentice Training Salon	2
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Cosmetologist	8305
Cosmetology Instructor	151
Cosmetology Salon	1880
Cosmetology Mobile Salon	
Cosmetology Salon Consideration Certificate	
Electrologist	12
Esthetician	1068
Esthetics Instructor	19
Esthetics Salon	89
Esthetics Salon Consideration Certificate	
Home Service Permit	1
Mobile Salon Consideration Certificate	2
Cosmetology School	12
Temporary Cosmetologist	11
Temporary Esthetician	4

10. ADJOURNMENT

Criswell announced next meeting was in person on 3.2.20 and declared this meeting adjourned at 12:52 p.m.

Respectfully submitted,

Pamela Rowland, Secretary, Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by: Heidi Weiand, Health Licensing Coordinator